

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

KEVIN P. MILLER,)	
)	
Plaintiff,)	
)	
v.)	No. 4:05CV00816 ERW
)	
CITY OF ELLISVILLE, MISSOURI,)	
)	
Defendant.)	

ORDER AND MEMORANDUM

Before the Court is plaintiff's Motion for Reconsideration [Doc. 8]. Plaintiff moves the Court to reconsider its Order of August 24, 2005, dismissing plaintiff's complaint.

In support of said motion, plaintiff states that the underlying case is that defendant City of Ellisville exceeds its authority in fining him or penalizing him for "failure to follow a reasonable request by a police officer." Plaintiff asserts that such action deprives him of fundamental constitutional rights under the Fifth and Ninth Amendments.

"Motions for reconsideration serve a limited function: to correct manifest errors of law or fact or to present newly discovered evidence." *Hagerman v. Yukon Energy Corp.*, 839 F.2d 407, 414 (8th Cir. 1988) (quoting *Rothwell Cotton Co. v. Rosenthal & Co.*, 827 F.2d 246, 251 (7th Cir.), *as amended*, 835 F.2d 710 (7th Cir.1987). Moreover, a motion to reconsider may not be used to raise arguments which could have been raised prior to the Court's dismissal of the action. *See Federal Deposit Ins. Corp. v. Meyer*, 781 F.2d 1260, 1268 (7th Cir.1986).

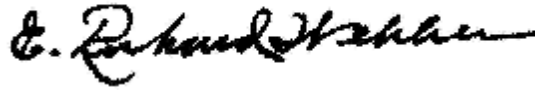
First, plaintiff raises arguments regarding self-incrimination and unenumerated rights which could have been raised in his original complaint prior to the Court's dismissal of this action. More importantly, the Court finds no deprivation of constitutional rights in being required "to follow

a reasonable request by a police officer." The Court finds no "manifest errors of law or fact" in its Order of August 24, 2005, and will, therefore deny plaintiff's motion.

In accordance with the foregoing,

IT IS HEREBY ORDERED that plaintiff's Motion for Reconsideration [Doc. #8] is **DENIED**.

So Ordered this 6th Day of September, 2005.

A handwritten signature in black ink, appearing to read "E. Richard Webber", written in a cursive style.

E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE